

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 1:16-CR-142;1:18-CV-2892
)	
v.)	Judge Dan Aaron Polster
)	
PAUL L. SHOCKLEY,)	<u>OPINION & ORDER</u>
)	
Defendant.)	
)	

Before the Court is Defendant Paul L. Shockley's Motion to Vacate under 28 U.S.C. § 2255 ("Motion"), Doc #: 65. For the following reason, Shockley's Motion is **DENIED**.

On May 11, 2016, Shockley pled guilty, pursuant to a Plea Agreement, to two counts of mail fraud, in violation of 18 U.S.C. § 1341, and one count of wire fraud, in violation of 18 U.S.C. § 1343. On January 6, 2017, he was sentenced to 97 months' imprisonment, 3 years supervised release, restitution in the amount of \$783,610.99, and \$300.00 special total special assessment. Doc #: 57. The Court entered its final judgment against Shockley on January 9, 2017. Doc #: 57. On December 17, 2018, Shockley filed the instant Motion. Doc #: 65. Motions pursuant to 28 U.S.C. § 2255 must be filed within one year from which the judgment of conviction became final. 28 U.S.C. § 2255(f)(1). Shockley filed his Motion nearly two years after the Court entered final judgment and Shockley did not appeal that final judgment. In his Motion, he explained that 28 U.S.C § 2255's statute of limitations should not apply to him because "BOP lost my mail and I did not find out about it until recently. I am working on getting a letter from BOP." Doc #: 65. But if Shockley had timely mailed a § 2255 motion to the Court and the Bureau of Prisons had lost it,

Shockley would have known long before today that his Motion was never filed. The Court does not find his assertion that the Bureau of Prisons lost his mail credible nor does the Court find that this is a valid excuse for filing his Motion nearly one year after the statute of limitations had run. Accordingly, Shockley's Motion is **DENIED**.

IT IS SO ORDERED.

/s/Dan Aaron Polster Dec. 18, 2018

**DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE**